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HISTORICAL SUMMARY AND ARGUMENT

IN SUPPORT OF THE CLAIM OF THE

LOUISIANA PARISHES

OF

East and West Feliciana, East Baton
Rouge, Livingston, St. Helena, Tan-
gipahoa, Washington, and
St. Tammany.

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OF

East and West Feliciana, East Baton Rouge, Livingston, St. Helena,
Tangipahoa, Washington, and St. Tammany.

The petition of the police juries of the above-named eight subdivisions of the State of Louisiana respectfully represents to the Senate and House of Representatives in Congress assembled—

That they are styled, in the aggregate, the Florida parishes.

That these claimants are the guardians in their corporate capacity of the property interests of their respective communities, both corporeal and incorporeal; and they believe that in their corporate capacity they are the successors and presumptive heirs of the defunct State of West Florida, not heirs to its sovereignty, but inheritors of its common domain, which was captured by their ancestor from the King of Spain in the fort at Baton Rouge on the 23d day of September, A. D. 1810. Hence their rights, if any they have, were vested anterior to their becoming an integer of the State of Louisiana.

The following narrative of events, which ensued upon the conquest, is offered by the claimants to sustain the inherited title to the conquered soil which is alleged in their petition, and which they solicit the Congress to recognize, viz:

Simultaneously with the conquest of the fort all the emblems of Spanish authority—civil, military, and clerical—were extirpated from the Baton Rouge district. And on the expulsion of the Spanish authorities the conquerors proceeded to found a State, which proclaimed itself to the world as “The Free, Sovereign, and Independent State of West Florida.” (*National Intelligencer*, Oct. 26th, 1810.)

As a State it was never recognized by any established mem-

ber of the family of nations, but it was created and consolidated and endowed with all the attributes of sovereignty by the will and commandment of a power which has breathed life into many other new States in this New World—the sovereign people!

Although by a strict construction of the rules of the law of nations, our ancestors may have failed to consolidate a government firmly enough knitted to assume to itself the attributes requisite to the investiture of sovereign dominion, if they failed to acquire such national proportions as would attach to their creation the right of eminent domain, nevertheless they tried hard and made rapid strides in that direction, inasmuch as they established a system of interior government satisfactory to themselves, which legislated, negotiated, levied taxes, and waged war. What State ever made more rapid strides to consolidation than that record shows in a brief existence of two months and thirteen days?

It has already been admitted that the State of West Florida was never recognized "*selons les règles*" of the hackneyed code which prevails with nations which were old before Republics were born into the world; yet it was recognized by the people who founded it, and they maintained for their little Republic, while it lived, an active, defiant, separate existence, until the Government at Washington, in response to an invitation from the government at Baton Rouge, moved its troops into the territory of its little friendly neighbor and assumed the jurisdiction "in the name and on behalf of the people of the United States."

We *reiterate* and expect to demonstrate that the occupation was suggested and the jurisdiction was proclaimed by virtue of the invitation extended by the supreme governing power of the State of West Florida, *and not for the purpose avowed* in the President's proclamation of Oct. 27th, 1810, which avowed the design of the United States to be to hold the conquered domain subject to "*pending negotiations with Spain*. The doubt which militates against our hypothesis rests upon two acts of sovereignties exercising their functions at two capitals very remote from each other in the days before railroads or

telegraph lines were dreamed of. The government at Baton Rouge on the 10th day of October, A. D. 1810, formulated a diplomatic note proposing to the Government at Washington a series of clearly stated and germane propositions. On the 27th day of October the President at Washington issued his proclamation ordering Governor Claiborne to assume jurisdiction. The interval between the dates of the two acts is short, but not so short as to demonstrate our hypothesis to be a physical impossibility. On the other hand, it is impossible to assume that a President of the United States ordered the invasion of a friendly neighbor without the concurrence of the authorities of the invaded State and without the consent of Congress !

In further demonstration of the proposition that the true motive for the occupation was suppressed and that the avowed motive was disingenuous we cite the origin, progress, and failure of "the pending negotiations with Spain." In the message of Mr. Jefferson of 1803 occurs a paragraph which by erroneous interpretation was construed into a claim to the whole Valley of the Mississippi without a break in its continuity. Popular clamor lashed the waters into a wild roar of indignation against Spain for withholding the delivery of West Florida, which, according to the language of the message, we had bought and paid for in 1803. In 1805 Mr. James Monroe, a most accomplished diplomatist, had been sent to Spain and France to negotiate with those powers for a rectification of boundaries conforming to the popular interpretation of the delusive paragraph of the message of 1803. The claim to West Florida was scouted by the king of Spain and by our vendor, the Emperor Napoleon, and by the concurrent testimony of Prince Talleyrand and Barbe Marbois, the French Minister, who negotiated the treaty of 1803. (See American State Papers for dispatches of Mr. Monroe, unpublished secret and confidential message of Dec'r 6, 1805 ; Barbe Marbois', the French negotiator, History of the Louisiana Cession ; also letter of Prince Talleyrand to Gen'l Armstrong, American State Papers, Foreign Relations, vol. II, p. 634.)

The cumulative proofs evoked by the researches and negotiations of Mr. Monroe against the claim of the United States

to any part of West Florida were so conclusive and crushing that the claim was virtually abandoned at the close of the mission of Mr. Monroe in 1805. Even Mr. Jefferson, who advanced and pressed the claim, *impliedly* abandons it in his secret and confidential message. And in another recorded instance, in 1809, we find him counselling his successor to cast aside the peaceful policy of slow diplomacy, and "in the event of war with Great Britain YOU MUST TAKE BATON ROUGE, or they will, and thereby cut off New Orleans from the West and the balance of the Union."

Jefferson's Correspondence, vol. 4, pp. 131, 132, Charlottesville edition.

Hence we conclude that the "pending negotiations with Spain," which were galvanized by the proclamation of Oct. 27, 1810, were not pending, but were dead and abandoned. The *true* reasons for the suppression of the *real* motive for the occupation will be found in Mr. Madison's letter to Mr. Jefferson of Oct. 19th, 1810.

Madison's Writings, vol. II, pp. 484, 485.

We hope that by the above historical review we have conclusively demonstrated that the United States *did come* into the Baton Rouge district by the invitation of our ancestor, and *did not come* for the purpose avowed in the proclamation. In case it should be admitted that the jurisdiction and possession were assumed in the guise of an invited guest, the coming in that guise was a substantial acceptance by the Government at Washington of the series of clearly stated and germane propositions submitted by the Government at Baton Rouge in its diplomatic note of Oct. 10, 1810, which note may be, without violence to truth or common sense, be styled the embodiment of preliminaries for a proposed treaty, the most beneficial of which to the United States was the tender of possession and jurisdiction, and the most favorable to the people of the State of West Florida was the reservation of title to the conquerors of the soil.

State Papers Foreign Relations, v. III, p. 395.

In the above connection it is pertinent to inquire if the United States did not come by the invitation of the Baton Rouge government, what color of right had they to invade the territory of a friendly State, which was very young and very helpless? A sovereign State annexed by proclamation of the President! That is a precedent for which the models must be searched for in the history of British India, where aforetime principalities, provinces, States, and empires have been annexed by proclamation of the Governor-General; here, however, in this western hemisphere, the practice has not found much favor or frequent imitation.

It is confessedly a weak point in our case that the inchoate treaty did not mature before the demise of our ancestors into a full-blown treaty, digested into articles, signed, sealed, delivered, and ratified amid the pomp and circumstance of a ceremonious diplomatic transaction, and we admit that the want of those solemn forms raises a *prima facie* showing against our claim. Nevertheless, we hold that the acceptance by the United States of the preliminary, which was most conducive to its own safety and grandeur, as effectually clinched and guaranteed the preliminary which reserved to us the title to the soil, as though they were attested by a treaty which had passed through all the completed ceremonials which subsequently preserved for the State of Texas its broad and magnificent domain, which was acquired by identical means.

These are the foundations of our claim to the conquered soil. If they are imperfect by reason of the brief existence and unrecognized attitude of our ancestor, they are at the very least as tenable and valid as a title by Presidential proclamation and an absorbing act of Congress "enlarging the limits," &c., &c.

Before dismissing this branch of our reclamation we beg leave to call the attention of Congress to two singular and abnormal conditions deducible from our statement above: (1) Our ancestors are the only actors in successful revolution in the New World from whom the fruits for which they risked their necks have been wrested; (2) the domain of our deceased ancestor is the only fragment of the wide public domain

of this big Republic which is held by virtue of a Presidential proclamation and by act of Congress! And we say this with full knowledge that the ambiguous language of the treaty of 1803 has been strained to give color of title to the United States, and that the treaty of 1819 does indisputably transfer to the United States all the title which the King of Spain had to the Baton Rouge district at the date of the treaty.

Should our title to the soil be denied, in that event we beg leave to remind the Congress that the United States did, by the act of our ancestor, acquire at a most opportune moment full possession and jurisdiction over a scope of territory absolutely essential to the protection of its fertile empire in the valley of the Mississippi—a scope of territory which, had it remained under the jurisdiction of Spain, an ally of Great Britain during the war of 1812, would have afforded fatal facilities to the enemy to blockade the city of New Orleans from above, and would have left wide open an important gate to the great valley.

Those calamities were averted by the jurisdiction and possession derived from our ancestor, and by that inestimable boon General Jackson was enabled to construct a dyke across the river entrance to the Bayou Manchac, and by that means to obstruct the passage of hostile fleets into the Mississippi river, 100 miles above New Orleans, and likewise to secure an uninterrupted line of land travel for the advance or retreat of his army to or from New Orleans. And while executing these necessary works he was enabled to recruit his cavalry horses, which were worn out by forced marches in the Creek and Florida wars, on the succulent pastures of East Baton Rouge and the Felicianas. The possession of our ancestor's domain was a tower of strength to the United States; to illustrate still further its paramount importance as a war aid from the mouse to the lion, we state from authentic history that Gen. Coffee received orders at Baton Rouge December 17, 1814, to repair without sleeping to the relief of the threatened city, and on the evening of the 19th he reported with twelve hundred mounted volunteers from a camp within fifteen miles of the city. That was the force which disputed every foot of Pack-

enham's advance from Lake Borgne, and lighted him the way to dusky death on the bloody field of Chalmette!

Other services rendered by the little dead to the great living Republic may without offensive boastfulness be here enumerated; for instance, the daring frontiersmen, under whom we claim, opened millions of acres of fertile field and virgin forest which had been hitherto fenced and sealed against the advancing cohorts of civil and religious liberty; wilds out of which magically uprose the log school-house, the unpretending meeting-house, and all the emblems which denote the approaches of Anglo-American civilization. It may likewise be truthfully claimed that the State of Alabama owes its splendid seaport, and the State of Mississippi its long line of sea front, to the terror inspired by the arms of the little Lone Star Republic in its vigorous siege of the Spanish city of Mobile in the winter of 1810.—(*Letter of the Spanish Governor Pösch to Secretary of State, Dec. 2, 1810; State Papers, Foreign Relations, vol. III, p. 397.*)

Not least, perhaps, of the legacies bequeathed by our dead ancestor was a famous lot of arms purchased for the forces besieging Mobile, and which were placed at the service of General Jackson to arm the volunteers assembled for the defence of New Orleans.—(*Attorney-General's Opinion in case of Henri de la Franceia.*)

Your memorialists do not question the fact that the logical consequences of displaying the Stars and Stripes over the domain was to swallow up like Aaron's rod the weaker sovereignty and the Lone Star, which was the symbol of its power. But we do question whether the same cogent logic swallowed up rightfully all the trophies and fruits which were wrested by our ancestor from the officer of the King of Spain in the fort at Baton Rouge, fruits and trophies which, by the custom of the nations of the New World, invariably attach to conquest. Were all the rights to the soil which had been acquired by a daring band of adventurous frontiersmen at peril of their necks likewise swallowed up by the display of the more powerful emblem? Did it utterly annihilate all the prizes of the valor which fired the signal-gun announcing that the grapple be-

tween the Saxon and the Latin race had commenced? Those old ancestors of ours were the heralds of a long line of victories and famous deeds of arms, such as no nation as young as the United States can inscribe upon an untarnished shield? They were the heralds of San Jacinto, Palo Alto, Resaca de la Palma, Matamoras, Monterey, Buena Vista, of Vera Cruz, Cerro Gordo, Contreras, Chapultepec, Molino del Rey, Mexico!

The charter of our equities springs from the firing of that famous signal gun. Although its legitimate fruits may be temporarily withheld, its pregnant significance cannot be diminished.

And now, after having disclosed to the Congress a chain of title almost without a flaw to a large body of land which has been administered as part and parcel of the public domain, after having disclosed a series of daring achievements which added to the National domain many millions of acres of valuable land, we appeal to the Congress for fair arbitration on our right to the soil which our ancestor conquered and governed. If denied title to the soil we appeal in the alternative to the obligation resting upon a magnanimous Government to reward unrequited services, which greatly redounded to the National grandeur and safety.

In conclusion, your memorialists will add that though they have been long postponed, they still look with undiminished confidence for fair arbitration upon the equities they have alleged. They press for no solution of the question of their rights and inherited claims which will embarrass the Government by reason of its dealings with the domain in question, or which will in any manner impeach the justice and generosity of the Government. They renew their prayer for the measure of relief embodied in the two bills which were before the Committee on the Public Lands of the XLVIth Congress, and it is matter of indifference to them whether the relief comes in the shape of indemnity for shrinkage of their patrimony or in requital of services, or as a price for the relinquishment of their title.

Respectfully submitted by—

HENRY SKIPWITH,
Agent and Attorney in Fact for the Florida Parishes.



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